

## ADMINISTRATIVE PENALTY ORDER CASE DATA FORM

(Revised 12/11/2014)

ENFORCEMENT ACTION NAME: Recycled Aggregates, LLC and John Driggs Company  
(Primary Respondent's Name)

REGIONAL HEARING CLERK'S DOCKET NUMBER: CWA 03-2016-0040

REGIONAL TECHNICAL CONTACT: Ingrid Hopkins REGIONAL ATTORNEY: Kelly Gable  
Phone: 4-5437 Mail Code: 3WP42 Phone: 4-2471 Mail Code: 3RC20

DEFENDANT(s): Recycled Aggregates, LLC

DEFENDANT(s): John Driggs Company

DEFENDANT SMALL BUSINESS (<100 employees)? Yes

FACILITY NAME (if different than Enforcement Action Name): DC Rock

Street: 1721 South Capitol Street, SW City: Washington State: DC Zip Code: 20003  
FACILITY ADDRESS (Pls. use the location of the facility where the violation(s) occurred, not a P.O. Box Number)

PRIMARY 6-DIGIT NAIC Code(s):  Latitude: 38.86849N Longitude: -77.00932W  
HORIZONTAL COLLECTION METHOD: GPS Unspecified REFERENCE POINT: Other

FACILITY 4-DIGIT SIC Code(s)  SMALL BUSINESS? Yes

FEDERAL FACILITY? NO, if YES, √ OPTION(s):

- ( ) FEDERAL FACILITY ACTIVITY ( ) NO FEDERAL FACILITY INVOLVEMENT  
( ) NON-FEDERAL PARTY IMPACTING FEDERAL PROPERTY

FEDERAL FACILITY ACTIVITY COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ENFORCEMENT ACTION TYPE (section of statute that authorizes pursuit of penalty and/ or injunctive relief) (see link below)  
CWA 309(g)(2)(B) APO for Class II Penalties  
[http://intranet.epa.gov/r3intran/oecej/Enf\\_Type.pdf](http://intranet.epa.gov/r3intran/oecej/Enf_Type.pdf)

LAW(s), Section(s) and Subsection(s) violated (see link below): CWA 301/402 NPDES Construction Stormwater  
[http://intranet.epa.gov/r3intran/oecej/Law\\_Section.pdf](http://intranet.epa.gov/r3intran/oecej/Law_Section.pdf)

DATE OF \*COMPLAINT/\*\*FFA (FILED/SIGNED): 1 / 11 / 16  
(\*Clock in with Regional Hearing Clerk) (\*\*- Division Director's signature)

CASH CIVIL PENALTY AMOUNT SOUGHT: \$ 54,000 (Penalty in Complaint or 1 day maximum statutory amount for a Notice Pleading Case)

(Is this an amended complaint?) No

Notice Pleading Case? **Yes**

Multi-Media Action? Yes or No If yes, ✓ all that apply(s):

- |  |   |
|--|---|
| <input type="checkbox"/> CAA Air Stationary Source (other than Title II)   | <input type="checkbox"/> MPRSA Ocean Dumping                                  |
| <input type="checkbox"/> CAA Air Mobile Source (Title II)  | <input type="checkbox"/> RCRA Hazardous Waste Management (Subtitle C)         |
| <input type="checkbox"/> CAA Prevention of Accidental Releases (112r)  | <input type="checkbox"/> RCRA Solid Waste Management (Subtitle D)             |
| <input type="checkbox"/> CERCLA Hazardous Site Response (CERCLA Superfund other than 103 and/or RCRA 3013 or 7003) | <input type="checkbox"/> RCRA Underground Storage Tanks (Subtitle I)          |
| <input type="checkbox"/> CWA NPDES (other than 311 and 404)  | <input type="checkbox"/> SDWA Public Water Supply (§1414 et seq.)             |
| <input type="checkbox"/> CWA Oil Pollution (311)   | <input type="checkbox"/> SDWA Underground Injection Control (1421 et seq.)    |
| <input type="checkbox"/> CWA Wetlands (404)  | <input type="checkbox"/> TSCA Asbestos Hazardous Emergency Response Act (201) |
| <input type="checkbox"/> EPCRA Community Right-to-know (313)   | <input type="checkbox"/> TSCA Lead Exposure Reduction (409)                   |
| <input type="checkbox"/> EPCRA Releases Notification/Emergency Preparedness (non-313 and/or CERCLA 103)            | <input type="checkbox"/> TSCA Polychlorinated Biphenyls (1414 et seq.)        |
| <input type="checkbox"/> FIFRA Pesticides  | <input type="checkbox"/> TSCA Toxic Substances (other than Lead or PCBs)      |

- 
- **IMPORTANT: FIFRA REGISTRATION VIOLATIONS, FIFRA MISLABELING VIOLATIONS, FIFRA VIOLATIONS CONCERNING ADVERTISING OF PRODUCTS, LEAD-BASED PAINT TRAINING PROVIDER VIOLATIONS, LEAD-BASED PAINT VIOLATIONS REGARDING LABORATORY VIOLATIONS, LEAD-BASED PAINT VIOLATIONS AGAINST CONTRACTORS INVOLVING A WIDE GEOGRAPHIC AREA (\*NOTE: THIS EXEMPTION DOES NOT APPLY WHERE THE CONTRACTOR'S VIOLATIONS ARE FAIRLY LOCALIZED), FIFRA STOP SALE ORDERS (WITH NO SPECIFIC LOCATION) AND NOTICE OF DETERMINATIONS (NODs) ARE EXEMPT FROM AN EJ ASSESSMENT.**

**EJSCREEN Flag National:** ☒ Yes ☐ No

**EJSCREEN Flag State:** ☒ Yes ☐ No

**Yes, ATTACHED BELOW**

**Enhanced Review for Potential EJ Concerns:**

- ☒ Enhanced Review – Potential EJ Concern Found  
☐ Enhanced Review – Potential EJ Concern Not Found  
☐ No Enhanced Review

**Basis of EJ Determination (select all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Community Self-Identification   | <input type="checkbox"/> Other basis (Please Explain)                             |
| <input checked="" type="checkbox"/> EJSCREEN data  | <input type="checkbox"/> Other Federal Government knowledge of community/location |
| <input type="checkbox"/> EPA knowledge of community/location (including inspector observation) |   |
| <input type="checkbox"/> Public Input  |   |
| <input type="checkbox"/> State/Local/Tribal Government knowledge of community/location         |   |

**Explanation of Basis:**

For this assessment information was considered on the block group which contains the facility as well as using a 0.5, 1 and 3 mile radius around the facility. The facility is found to be in an area of potential EJ concern based on the following factors: (1) According to EJSCREEN, when considering the block group which contains the facility as well as a 0.5, 1 and 3 mile radius around the facility, one or more of the twelve Primary EJ Indexes is at or above the 80<sup>th</sup> percentile in the nation and state, and (2) the block group which contains the facility exceeds the state average for percentage of low-income populations, and (3) the block group which contains the facility exceeds the state average for minority populations.

If EJ Assessment has not been conducted, OECEJ can provide this information for you. Please contact Matthew Lee at 4-2917.

AUDIT POLICY APPLIED? Yes or No, if Yes, Disclosure Date:     /     /

VIOLATION TYPE DESCRIPTION(s): NOPRMT \_\_\_\_\_ (see link below)  
[http://intranet.epa.gov/r3intran/oecej/Violation\\_Type.pdf](http://intranet.epa.gov/r3intran/oecej/Violation_Type.pdf)

POLLUTANT DESCRIPTION(s): Sediment 6613 \_\_\_\_\_ (see link below)  
(Add additional pollutants on blank sheet)  
<http://intranet.epa.gov/r3intran/oecej/PollutantReferenceListing.pdf>

RELIEF SOUGHT: (☒ appropriate option (s)) X PEN \_\_\_\_\_ INJ \_\_\_\_\_

CFR CITATION(S): 40 CFR 122.26 \_\_\_\_\_ 40 CFR \_\_\_\_\_ 40 CFR \_\_\_\_\_

OECA NATIONAL PRIORITY ACTIVITY? (Yes or No), if Yes, ☒ option(s) below:

- |   |   |
|---|---|
| <input type="checkbox"/> Air Toxics – Excess Emissions                            | <input type="checkbox"/> NSR/PSD – Glass Manufacturing        |
| <input type="checkbox"/> Air Toxics – Flares                                      | <input type="checkbox"/> NSR/PSD – Nitric Acid Plants         |
| <input type="checkbox"/> Air Toxics – LDAR  | <input type="checkbox"/> NSR/PSD – Sulfuric Acid Plants       |
| <input type="checkbox"/> Energy Extraction-Land Based Gas Extraction & Production | <input type="checkbox"/> WW – CAFO                            |
| <input type="checkbox"/> Mineral Processing – Mining - Other                      | <input type="checkbox"/> WW – CAFO Regional Initiatives Areas |
| <input type="checkbox"/> Mineral Processing – Non-Phosphoric Acid                 | <input type="checkbox"/> WW – CSOs < 50K serv. pop’n.         |
| <input type="checkbox"/> Mineral Process – Phosphoric Acid                        | <input type="checkbox"/> WW – CSOs > = 50K serv. pop’n.       |
| <input type="checkbox"/> NSR/PSD - Cement   | <input type="checkbox"/> WW –SSOs > = 10 mg/d and < 100 mg/d  |
| <input type="checkbox"/> NSR/PSD – Coal-Fired Power Plants                        | <input type="checkbox"/> WW – MS4s – Phase I                  |
|   | <input type="checkbox"/> WW – MS4s Phase II                   |

REGIONAL PRIORITY? (Yes or No), if Yes, ☒ option(s) below:

- |   |   |
|---|---|
| <input type="checkbox"/> Chesapeake Bay Air Shed                        | <input checked="" type="checkbox"/> <u>X</u> Healthy Waters |
| <input checked="" type="checkbox"/> Chesapeake Bay Watershed            | <input type="checkbox"/> Integrated Strategies              |
| <input type="checkbox"/> Climate Change                                 | <input type="checkbox"/> Marcellus Shale                    |
| <input type="checkbox"/> Direct Implementation                          | <input type="checkbox"/> Mountain Top Mining                |
| <input type="checkbox"/> Elizabeth River Initiative, Virginia           | <input type="checkbox"/> RCRA I District of Columbia        |
| <input type="checkbox"/> Federal Facilities in Chesapeake Bay Watershed | <input type="checkbox"/> SDWA MCL Exceedance                |
| <input type="checkbox"/> Federal Facilities in Virginia, (RCRA)         | <input type="checkbox"/> Sustainability                     |
| <input type="checkbox"/> Fumigation (CAA)                               |   |

OECA CORE PROGRAM? (Yes or No)

### CASE SUMMARY

**DO NOT INCLUDE ENFORCEMENT CONFIDENTIAL, POTENTIALLY FOIA-EXEMPT INFORMATION. (A summary of the violation(s), environmental problem(s), and a description of the cause(s) of action/basis of legal action). All information in this section will eventually be made available to the public.**

Penalty action for unauthorized discharges of pollutants, associated with industrial activity, to the Anacostia River, which is impaired.

Given the limitations of screening-level outputs, no EJ screening tool can provide an “easy button” to reach a conclusion that environmental justice concerns exist. As with any screening analysis, the output from EJSCREEN is a starting point for additional information collection and data analysis, as appropriate. EJSCREEN can only be used to identify places where EJ concerns are most likely to occur and where additional review may be warranted.

EJSCREEN is for internal use only. Do not release this information or the attached report.

**For Inclusion in Case Conclusion Data Sheets/ICIS:**

EJSCREEN Flag National:        ☒ Yes        ☐ No

EJSCREEN Flag State:        ☒ Yes        ☐ No

**Enhanced Review for Potential EJ Concerns:**

- ☒ Enhanced Review – Potential EJ Concern Found
- ☐ Enhanced Review – Potential EJ Concern Not Found
- ☐ No Enhanced Review

**Basis of EJ Determination (Select all that apply):**

- ☐ Community Self-Identification
- ☒ EJSCREEN data
- ☐ EPA knowledge of community/location (including inspector observation)
- ☐ Other basis (Please Explain)
- ☐ Other Federal Government knowledge of community/location
- ☐ Public Input
- ☐ State/Local/Tribal Government knowledge of community/location

**Explanation of Basis:**

For this assessment information was considered on the block group which contains the facility as well as using a 0.5, 1 and 3 mile radius around the facility. The facility is found to be in an area of potential EJ concern based on the following factors: (1) According to EJSCREEN, when considering the block group which contains the facility as well as a 0.5, 1 and 3 mile radius around the facility, one or more of the twelve Primary EJ Indexes is at or above the 80<sup>th</sup> percentile in the nation and state, and (2) the block group which contains the facility exceeds the state average for percentage of low-income populations, and (3) the block group which contains the facility exceeds the state average for minority populations.